

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

TORI SWEATTE,

Petitioner,

vs.

MICHEAL MYERS,

Respondent.

8:24CV126

MEMORANDUM AND ORDER

This matter is before the Court on its own motion. Petitioner filed a Petition for Writ of Habeas Corpus, [Filing No. 1](#), on April 10, 2024. However, Petitioner failed to include the \$5.00 filing fee. On June 28, 2024, the Court directed Petitioner to either submit the \$5.00 fee to the Clerk's office or submit a request to proceed in forma pauperis. [Filing No. 4](#). The Court's June 28, 2024, order was returned to the Court as undeliverable, see [Filing No. 5](#), and the Court directed Petitioner to update his address by August 12, 2024, [Filing No. 6](#). Petitioner updated his address on July 22, 2024. [Filing No. 7](#).

As it appears Petitioner never received notice of the Court's June 28, 2024, order, the Court will give Petitioner 30 days from the date of this Memorandum and Order to either submit the \$5.00 fee to the Clerk's office or submit a request to proceed in forma pauperis. If Petitioner chooses to do the latter, the enclosed pauper's forms should be completed and returned to this Court. Failure to take either action within 30 days will result in the Court dismissing this case without further notice to Petitioner.

IT IS THEREFORE ORDERED that:

1. Petitioner is directed to submit the \$5.00 fee to the Clerk's office or submit a request to proceed in forma pauperis within 30 days. Failure to take either action will result in dismissal of this matter without further notice.
2. The Clerk of the Court is directed to send to Petitioner the Form AO240 ("Application to Proceed Without Prepayment of Fees and Affidavit").
3. The Clerk of the Court is directed to set a pro se case management deadline in this matter with the following text: **September 6, 2024**: Check for MIFP or payment.

Dated this 7th day of August, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J F Bataillon", with a stylized flourish at the end.

Joseph F. Bataillon
Senior United States District Judge